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10/763,331	01/26/2004	Sandy Chu	4444-0133P	6967
2292 7590 07/23/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
DAM, KIM LYNN				
ART UNIT		PAPER NUMBER		
2179				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/763,331

Applicant(s)

CHU, SANDY

Examiner

KIM-LYNN DAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-7, 9-16, 18-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9-16, 18-21, and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 4/2/08.

This action is made final.

2. Claims 1-2, 4-7, 9-16, 18-21, and 23-30 have been examined and are pending. Claims 1 and 24 are independent.

Claim Objections

3. Claims 9 and 23 objected to because of the following informalities: Claims 9 and 23 are dependent upon cancelled claims 8 and 22 respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 2, 9-10 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (USPN 6,714,216) in view of LeBlanc et al (US 2003/0189589).

Regarding claim 1, Abe disclosed a method for effect addition in video edition, comprising:

selecting, importing and arranging a plurality of clips, wherein said plurality of clips are originally non-integrated clips and arranged as successive and non-overlapped clips (Column 1, line 65 to Column 2, line 8; Column 10, lines 45-53);

making a plurality of Mark-In points on said plurality of the clips collectively, wherein said Mark-In points are automatically made by using a scene scan and further according to joints of the clips, or manually made by users (Column 1, line 65 to Column 2, line 8; Column 9, line 57 to Column 10, line 6);

Abe did not specifically disclose wherein the plurality of clips have more than one format, adding effects at said plurality of Mark-In points of said plurality of clips collectively; and integrating said plurality of clips, wherein said plurality of clips are integrated before or after adding said effects with the effects added; and displaying said plurality of clips. However, in an analogous art, LeBlanc disclosed the above limitations. LeBlanc disclosed importing clips with more than one format (Paragraph [0056]), adding effects to said clips (Paragraph [0058]) and integrating the clips to be displayed (Paragraph [0061]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate editing clips with multiple formats and adding effects to integrated clips into the system of Abe in order to allow addition of transition effects at the mark-in points of various clips to create a smoother change between clips.

Regarding claim 2, the rejection of claim 1 is incorporated and LeBlanc further disclosed wherein said plurality of clips comprise different formats before or after

said Mark-In points have been made (Paragraph [0056]).

Regarding claim 9, the rejection of claim 1 is incorporated and further Abe disclosed wherein said making process of said Mark-In points is manually done by users before using said scene scan to make said plurality of Mark-In points (Column 1, line 65 to Column 2, line 8; Column 9, line 57 to Column 10, line 6);.

Regarding claim 10, the rejection of claim 1 is incorporated and further Abe disclosed making said plurality of Mark-In points according to the recording time when said clip includes said recording time (Column 10, lines 1-6).

Regarding claim 28, the rejection of claim 1 is incorporated and further LeBlanc disclosed a rendering process for rendering said plurality of clips before or after said importing process (Paragraph [0061]).

Regarding claim 29, the limitations of the claims are similar to those of claims 28. Therefore claim 29 is rejected under the same rationale as applied above.

6. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (USPN 6,714,216) in view of LeBlanc et al (US 2003/0189589) as applied to claim 1 above, and further in view of further in view of Zhang (US 2003/0112265).

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Regarding claim 4, the rejection of claim 1 is incorporated and neither Abe nor LeBlanc specifically disclosed wherein said mark in points are further made according to where the scene information are. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 5, the rejection of claim 1 is incorporated and neither Abe nor LeBlanc specifically disclosed wherein said scene information can be selected from the audio, graphic and text. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 6, the rejection of claim 1 is incorporated and further Zhang disclosed wherein scene scan is used to generate a scene scan sensitivity of each frame of said plurality of clips (Paragraph [0058], lines 10-14; Paragraph

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[0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3; where scene scan sensitivity is where scene information is). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 7, the rejection of claim 6 is incorporated and further Zhang disclosed wherein said plurality of mark in points are made by comparing said scene scan sensitivity with a scene scan sensitivity threshold (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3; where scene scan sensitivity and sensitivity threshold must have been compared in order to determine where scene information is).

7. Claims 11-16, 23-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (USPN 6,714,216) in view of LeBlanc et al (US 2003/0189589) as applied to claim 1 above, and further in view of Matsui et al. (USPN 6,674,955) and Applicant's admitted prior art.

Regarding claim 11, the rejection of claim 1 is incorporated and neither Abe nor LeBlanc specifically disclosed further comprising configuring an effect type and an effect duration for forming an effect, wherein said effects are added to said

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plurality of Mark-In points according to said effect type and said effect duration. However, Matsui disclosed the above limitation (Figure 30; Column 41, lines 7-20). It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Matsui into the video editing of the Applicant's prior art and system of Park since configuring an effect type and effect duration for effect addition would create better transitions resulting in a more harmonious integrated clip (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 12, the rejection of claim 11 is incorporated and neither Abe, LeBlanc, nor Matsui expressly teach further comprising filtering out said Mark-In points, wherein said Mark-In point is filtered out when the range of the adding effect on said Mark-In point according to said effect type and said effect duration overlaps the range of another said Mark-In point and the scan order of said Mark-In point is later than said another Mark-In point. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Abe, LeBlanc, Matsui and Applicant's admitted prior art, because they teach the adding of effects to mark in points (See above rejections). The skilled artisan would determine that a mark in point could be filtered out when adding of an effect to that mark in point overlaps another mark in point, since creating a transition between the scene changes to reduce disharmony is the primary purpose of adding effects to those mark in points (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 13, the rejection of claim 11 is incorporated and neither Abe nor LeBlanc specifically disclose further comprising adjusting said effect duration of said Mark-In point, wherein said effect duration of said Mark-In point is adjusted when the range of the adding effect on said Mark-In point according to said effect type and said effect duration overlaps the range of another said Mark-In point and the scan order of said Mark-In point is later than said another Mark-In point. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Applicant's admitted prior art, Park and Matsui, because they teach the adding of effects to mark in points (See above rejections). The skilled artisan would determine that effect duration of a mark in point could be adjusted when adding of an effect to that mark in point overlaps another mark in point, since creating a transition between the scene changes to reduce disharmony is the primary purpose of adding effects to those mark in points (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 14, it is the corresponding system claim of claim 11. Therefore all the limitations in claim 14 have been addressed above and claim 14 is rejected under the same rationale.

Regarding claim 15, the rejection of claim 14 is incorporated and LeBlanc further disclosed wherein said plurality of clips comprise different formats before or after said Mark-In points have been made (Paragraph [0056]).

Regarding claim 16, the rejection of claim 14 is incorporated and LeBlanc further disclosed wherein said rendering model integrates said plurality of clips before or after said importing process so as to form an integrated clip with or without said effects added (Paragraph [0061]).

Regarding claim 23, the rejection of claim 14 is incorporated and further Abe disclosed wherein said making process of said Mark-In points is manually done by users before using said scene scan to make said plurality of Mark-In points (Column 1, line 65 to Column 2, line 8; Column 9, line 57 to Column 10, line 6);.

Regarding claim 24, the rejection of claim 14 is incorporated and further Abe disclosed making said plurality of Mark-In points according to the recording time when said clip includes said recording time (Column 10, lines 1-6).

Regarding claims 25-27, they are the corresponding system claims of claims 11-13. Therefore, all the limitations of 11-13 have been addressed above, and claims 25-27 are rejected under the same rationale.

Regarding claim 30, the rejection of claim 14 is incorporated and further Abe disclosed wherein said plurality of Mark-In points are stored in a Mark-In point storage (Column 11, lines 20-30).

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8. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (USPN 6,714,216) in view of LeBlanc et al (US 2003/0189589) and further in view of Matsui et al. (USPN 6,674,955) and Applicant's admitted prior art as applied to claim 14 above and then further in view of Zhang (US 2003/0112265).

Regarding claim 18, the rejection of claim 14 is incorporated and neither Abe, LeBlanc, Matsui nor Applicant's admitted prior art specifically disclosed wherein said mark in model further comprises making said plurality of mark in points according to where the scene information are. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 19, the rejection of claim 14 is incorporated and neither Abe, LeBlanc, Matsui nor Applicant's admitted prior art specifically disclosed wherein said scene information can be selected from the audio, graphic and text. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102],

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lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 20, the rejection of claim 14 is incorporated and further Zhang disclosed wherein scene scan is used to generate a scene scan sensitivity of each frame of said plurality of clips (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3; where scene scan sensitivity is where scene information is). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 21, the rejection of claim 20 is incorporated and further Zhang disclosed wherein said plurality of mark in points are made by comparing said scene scan sensitivity with a scene scan sensitivity threshold (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3; where scene scan sensitivity and sensitivity threshold must have been compared in order to determine where scene information is).

Response to Arguments

9. Applicant's arguments with respect to claims 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam

/Ba Huynh/

Primary Examiner, Art Unit 2179